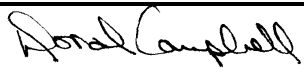
 <p style="text-align: center;">ADMINISTRATIVE POLICIES AND PROCEDURES State of Tennessee Department of Correction</p>	Index #: 404.07	Page 1 of 9
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	Distribution: B	
	Supersedes: 404.07 (5/15/01)	
Approved by: 		
Subject: MINIMUM CUSTODY PLACEMENT		

- I. AUTHORITY: TCA 4-3-603, 4-3-606, 40-28-123, 40-43-101 through 40-43-504, 41-21-208, 41-21-227, 41-21-509, 41-21-510, 41-21-514.
- II. PURPOSE: To establish standard criteria and procedures for minimum custody classification.
- III. APPLICATION: To the Assistant Commissioner of Operations, Director of Classification Programs, wardens, institutional staff, and inmates.
- IV. DEFINITIONS:
  - A. Custody Assessment Form (CAF): An objective numeric scale for rating risk used to assign a custody level (TOMIS conversation LCLN, Option 1.)
  - B. Earliest Release Date: The earliest date, excluding the Asafety valve≡ date, at which an inmate can be considered for release on parole, probation, or expiration of sentence. This includes new parole hearing dates set by Board of Probation and Parole (BOPP) after release eligibility date (RED).
  - C. Felony: Any violation of law for which the penalty levied may be imprisonment of one year or more in the penitentiary or imposition of the death penalty (TCA 39-1-103 and 40-35-211).
  - D. Minimum Direct: The custody level of inmates allowing them to be housed and complete tasks outside the secure perimeter of an institution while under continuous supervision.
  - E. Minimum Restricted: The custody level of inmates who are suitable for minimum supervision within secure confinement, but may not meet criteria for minimum direct or trusty assignment.
  - F. Minimum Security Housing: A facility with fenced, unarmed perimeter specifically designated to house minimum direct or trusty inmates (i.e., boot camp, technical violators unit, and institutional annexes).
  - G. Minimum Trusty: The custody level of inmates allowing them to be housed and complete tasks (including work) outside the secure perimeter of an institution while under periodic supervision.
  - H. Non-Violent Offense: Offenses which do not involve bodily injury or death to a victim or bystander, or the use of a weapon (See Classification Users Guide, Appendix VI.).

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- I. Term: Felony conviction(s) for which a person served at least thirty days incarcerated in a county jail or workhouse, municipal correction house, or any penal institution either within or outside the jurisdiction of the Tennessee Department of Correction (TDOC).
- J. SAIU (Special Alternative Incarceration Unit) or Bootcamp: A highly regimented, short-term, military style program for selected non-violent inmates (TCA 40-20-201).
- K. Technical Violator Unit: Minimum security short-term incarceration program for technical (no new felonies) probation/parole violators.
- V. POLICY: Inmates should be classified to the least restrictive custody level consistent with the safety of the public, institutional staff, and other inmates.
- VI. PROCEDURES: The following are general mandates regarding the classification, housing, and/or program assignment of minimum custody inmates.
  - A. Inmates to be considered for minimum custody shall:
    - 1. score within the minimum custody range on the Custody Assessment Form (CAF), or
    - 2. be approved for a decrease override which results in minimum custody (per Policy #401.06), or
    - 3. be selected for and assigned to the Special Alternative Incarceration Unit (SAIU, - "boot camp") or the Technical Violator Unit (Parole/Probation) as minimum direct status, or
    - 4. have been granted parole and be within one year of the release date approved by the Board of Probation and Parole.
  - B. A criminal conviction record shall be available on TOMIS or in the inmate's institutional record prior to classification to minimum direct or trusty status at the time of initial classification, unless the inmate has been selected for and assigned to the SAIU, a technical violator unit, or a designated pre-release facility (per Policy #511.02).
  - C. Classification to minimum direct or trusty status should be considered only when such is necessary for the inmate's current or recommended housing or program assignment.
  - D. Inmates convicted of a sex offense or those who have a history of a diagnosed mental illness shall have had a positive mental health assessment within the ninety (90) days prior to placement in minimum security housing or any program assignment which takes place outside of a secure facility (per Policy #113.84).

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- E. Inmates shall have Assignment of Responsibility (BI0D089) read to them before placement in any minimum direct or trusty status or program. Refusal to sign this form shall be noted on the form and witnessed by the staff member responsible. In accordance with TCA 40-28-123(B)(1), any inmate whose current conviction is the result of any felony (except escape) committed while on any minimum custody status which provides for supervised release programs into the community and/or furloughs, is prohibited from further participation in such community release programs during the remainder of the term of incarceration.
  
- F. Criteria for classification to minimum direct or trusty custody (excludes MTCX Annex, see Section (VI.)(H).
  - 1. Less than ten (10) years remain before the inmate's earliest release date, except in cases of convictions for First Degree Murder, which requires a period of less than three (3) years to the earliest release date. Any inmate serving a sex offense conviction during the current term of incarceration must have less than seven (7) years remaining before his/her expiration date.
  - 2. No escape or attempted escape on record for those considered subsequent to May 24, 2000. Those inmates assigned prior to May 24, 2000, are "grandfathered" to remain so long as current status does not change.
  - 3. No disciplinary convictions for assaultive conduct which resulted in serious injury or death of another individual, or any other court prosecuted felony convictions during the past ten years of incarceration.
  - 4. No felony detainers, pending felony charges, or pending immigration deportation actions; misdemeanor detainers shall be evaluated for risk at the discretion of the warden.
  
- G. Criteria for minimum direct custody for offenders with more than ten (10) years remaining to earliest release date (or sex offenders with more than seven (7) years remaining to sentence expiration date) (excludes MTCX Annex, WANX):
  - 1. The warden's written recommendation has been approved by the Assistant Commissioner of Operations and the commissioner; and
  - 2. The inmate meets the criteria in VI.(F)(2-4), above.
  - 3. The last twelve (12) months have been served in a secure TDOC facility.
  - 4. FBI Rap Sheet, or PSI with criminal conviction record is available on TOMIS or in the inmate institutional file.
  - 5. Sex offenders shall have successfully completed a TDOC sex offender treatment program (SOTP) and be actively participating in an SOTP aftercare program.

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6. Inmates referenced in VI.(G), above, who were classified to minimum direct or trusty custody on or before November 12, 1996, are grand fathered and may remain in this custody until their conduct or conviction status requires change.
  7. Inmate placements subsequent to November 12, 1996, will be terminated annually unless renewed with required approvals and necessary mental health evaluations in accordance with Policy #113.84; such should occur in a timely fashion, as to cause no delay in the annual reclassification hearing.
- H. Criteria for classification to minimum direct or trusty custody and placement at the MTCX Annex:
1. Less than five (5) years remain to the inmate's earliest release date for inmates whose current term of incarceration does not include a conviction for a sex-related offense or an offense designated as violent in the Classification User's Guide Appendix VI.
  2. Less than two (2) years remain to an inmate's earliest release date for those inmates whose current term of incarceration includes a conviction for an offense designated as violent in the Classification User's Guide Appendix VI; sex offenders are ineligible unless within twelve (12) months of an approved parole date.
  3. The inmate has been in TDOC physical custody for at least the past twelve (12) months unless:
    - a. The inmate is under conviction for non-violent offenses and has a cumulative sentence of ten (10) years or less; or
    - b. The inmate has been returned to TDOC custody as a probation or parole violator with technical violations only and is ineligible for the Technical Violators Unit.
  4. No escape or attempted escape on record for those considered subsequent to May 24, 2000. Those inmates assigned prior to May 24, 2000, are "grandfathered" to remain so long as current status does not change.
  5. No felony detainers, pending felony charges, or pending immigration deportation actions; misdemeanor detainers shall be evaluated for risk at the discretion of the warden.
  6. No disciplinary convictions for assaultive conduct which resulted in serious injury or death of another individual, or any other court-prosecuted felony convictions during the past ten years of incarceration.
  7. An unannounced drug screen must yield negative results prior to placement; if positive, the inmate shall not be reconsidered for placement for at least six months.

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8. Inmates housed at the MTCX Annex on or before January 1, 1996, are Agrand fathered~~ed~~ and may remain in such placement until their conduct or conviction status requires change.
9. An inmate whose current term of incarceration includes a conviction for Murder I may be considered for MTCX Annex assignment if within three years of release eligibility and written approval is granted by the Assistant Commissioner of Operations.
- I. Inmates who have been granted parole and are within one year of the date of release shall be considered for transfer to one of the designated pre-release facilities or upon instructions from the Director of Classification to the Wayne County Annex (WANX). Excluded are those paroling to a detainer or custodial parole. In this specific situation, criteria cited in VI.(H)(1-4 and 6, 9), above, are waived in order to facilitate placement. The C3DEC override, if applicable, shall be utilized in accordance with Policy #401.06 (Custody Overrides).
- J. Criteria for Classification To Minimum Direct or Trusty and Placement in the SAIU program at the Wayne County Boot Camp:
  1. Inmates admitted to TDOC via MTCX/BMCX/WTSP classification programs shall be screened for eligibility.
    - a. Inmates eligible for SAIU placement consideration include males convicted of non-violent offenses sentenced to the TDOC for six (6) years or less.
    - b. Inmates convicted of Child Sexual Abuse (TCA 39-15-401/39-17-402), Sexual Exploitation of a Minor (TCA 39-17-1003, 39-17-1004/39-17-1005), or the Illegal Distribution of or Sale of a Controlled Substance to a Minor (TCA 39-17-417/39-17-417(a)) are ineligible for the SAIU program.
    - c. Inmates convicted of certain drug offenses under TCA 39-17-417(a) with a sentence not greater than 12 years are eligible, provided the amount of the controlled substance is less than set forth in TCA 39-17-417(i), and the offender is sentenced in the Especially Mitigated or Standard Range. Cumulative sentences for certain drug offenses and Non-drug offenses shall not exceed 12 years. TCA does not establish a maximum sentence length; however, TDOC policy prohibits inmates with sentences greater than 12 years for consideration for SAIU placement. Drug offenders with sentences greater than 12 years may be considered by the commissioner only if recommended in writing by the sentencing judge.
    - d. Inmates must be 18 years old at the time of approval and must be less than the age of 36. Inmates less than 18 years old but recommended

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by the court will require approval by the commissioner via the Director of Classification.

- e. Inmates must be free from obvious physical and psychological impairments that would interfere with the inmate's ability to participate in the program and must meet requirements according to assessments and examinations by staff at reception centers.
  - f. Inmates scheduled for parole hearings within 60 days of initial classification shall not be referred until after a hearing decision is final. Technical parole violators who are serving their first prison sentence and enter TDOC custody with no additional convictions may be considered if they are otherwise eligible.
  - g. Inmates who are beyond their release eligibility and safety valve dates, who were declined parole at their first hearing, may be eligible provided enough sentence time remains to permit program completion and their conduct is free of class A or B incidents.
2. Inmates are ineligible if the following factors are evident:
- a. Board of Probation and Parole (BOPP) declines parole to sentence expiration.
  - b. Inmate has served more than one prior felony term (at least 30 days) in a local jail or workhouse, or has been previously incarcerated in a state or federal correctional facility.
  - c. An active felony detainer is on record or there is notice of pending charges. Such matters for misdemeanors will be considered on a case-by-case basis.
  - d. Inmate is in need of special education services.
  - e. A jail disciplinary record which includes, but is not limited to, threatening, assaultive, or escape behaviors.
3. Inmates are required to complete a minimum of 90 days in the SAIU program subsequent to a 30-day period for classification at the reception center. Inmates who have been temporarily absent from the SAIU program:
- a. For health reasons may be considered for re-entry provided they have been medically approved for program resumption.
  - b. Due to previously unknown court cases may be considered for return provided the inmate continues to meet eligibility criteria.

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4. Inmates terminated from the program for conduct reasons shall be returned to the reception center or sending facility, as applicable, for further classification action in order to resume service of the designated sentence. (See Section M.)

K. Technical Violators Unit – Probation Criteria

1. In accordance with TCA 40-20-301, technical probation violators may be considered for placement in a unit designated by the TDOC. The law stipulates that:
  - a. In the event an offender receives a suspension of sentence (i.e., probation) and that sentence is revoked for reasons other than the commission of a new felony offense and the offender is committed to the TDOC, the department shall have the authority to place the offender in a special technical violator unit in lieu of confinement in a regular state penal facility, unless the court specifies otherwise in the order of revocation. If the court specifically prohibits the placement of the offender in a special technical violator unit, the court shall make findings of fact and state the reasons for its decision in the order of revocation. In such unit the offender shall, at a minimum, be required to participate for a period of one hundred twenty (120) days in an intensive regimen of work and available treatment programs in accordance with policies and procedures established by the TDOC.
  - b. No offender shall be placed in a special technical violator unit unless and until the offender has been classified by the TDOC as a suitable candidate for such a program in accordance with departmental policies and guidelines.
  - c. Upon successful completion of a technical violator program, an offender shall be released under probation status to the supervision of the BOPP under the terms and conditions imposed by the trial court. Should an offender fail to comply with the terms and conditions of supervision imposed by the BOPP, the release on probation supervision may be revoked by the trial judge pursuant to TCA 40-35-311.
2. Procedures
 

BOPP probation officers will forward the names, TOMIS numbers, and locations of technical probation violators to the Division of Community Services at BOPP Central Office. This list, when compiled, will be forwarded to the Division of Classification Programs at TDOC Central Office for inclusion in jail admissions to TDOC reception centers. While Classification Programs staff will attempt to identify technical probation violators to reception center personnel, all eligible inmates will be screened for classification to this program.

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### 3. Program Criteria

- a. All technical probation violators may be considered for placement in the technical violator program.
- b. Technical probation violators may meet eligibility criteria for both the SAIU and the technical violator unit. Those who meet criteria for the SAIU shall be considered for and assigned to that program before being considered for the technical violator unit.
- c. The inmate's probation must have been revoked and the inmate committed to TDOC. The inmate must be a technical violator with no new felony convictions. Inmates locally sentenced or sentenced to a split confinement are ineligible, as are those whose determinate release (i.e., sentence of two years or less) has been revoked to serve to balance of sentence. Violators from community corrections grant programs are ineligible.
- d. Inmates are ineligible for technical violator program assignment if the court objects to such placement in the revocation order.
- e. Active felony detainees, pending felony charges, or pending immigration deportation actions render an inmate ineligible. Misdemeanor detainees or pending charges will be evaluated for risk on a case-by-case basis.
- f. Eligible inmates of all medical classifications should be considered. Reasonable accommodations should be made for those with limitations or disabilities within the scope of the technical violator program, provided that continued placement in the program does not pose a risk to the inmate's physical or mental health. Those unable to participate in the program due to severe medical or mental health needs shall be reassigned to an appropriate unit or facility for non-disciplinary purposes.
- g. Upon completion of the classification process at the reception center, technical violator participants will be assigned to minimum direct custody; override C3DEC shall be used, where applicable, in accordance with Policy #401.06. Inmates assigned to administrative segregation are ineligible for consideration.
- h. An inmate who has completed the SAIU program during a previous incarceration (for a prior offense) may be considered for assignment to the technical violator unit. An inmate who has been released to probation from the SAIU program and violates that probation will not be considered for assignment to the technical violator unit.



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- i. Inmates who incur disciplinary convictions while assigned to the technical violator program may receive sanctions which include program extension and/or program termination, at the discretion of the warden. Those terminated for disciplinary reasons shall be reassigned to an appropriate TDOC facility at no less than medium custody and shall not be considered for reassignment to the technical violator program.

L. Technical Violators Unit – Parole Criteria



Inmates placed in the technical parole violators unit at the Wayne County Annex must have a program recommendation by the Tennessee Board of Probation and Parole (BOPP) as the final decision of at least two board members posted on TOMIS/LPDA.

- M. Termination from the MTCX Annex, a designated pre-release facility, WCBC, or WANX (as a technical parole or probation violator) as a result of disciplinary action requires that the inmate is reclassified to medium custody unless the CAF dictates a higher custody level.

1. If the CAF score remains in the minimum range, override A8INC shall be used to increase the custody level.
2. Inmates terminated from MTCX Annex may not be classified to minimum custody for three (3) years if convicted of a Class A or B disciplinary infraction, and one year if convicted of a Class C disciplinary infraction. Inmates terminated from WANX/WCBC programs shall be classified as medium custody for one year if terminated due to any disciplinary infraction. Inmates terminated under this section may become eligible for pre-release assignment per Policy #511.02.

VII. ACA STANDARDS: 3-4283, 3-4391.

VIII. EXPIRATION DATE: May 1, 2005.

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	Effective Date: December 1, 2003	
	Distribution: B	
	Supersedes: 9404.07 (5/1/02) PCN 03-13 (6/15/03)	
<p>Approved by: </p>		
Subject: MINIMUM CUSTODY PLACEMENT		

POLICY CHANGE NOTICE 03-39

INSTRUCTIONS:

Please Change Section III. to read as follows:

“ III. APPLICATION: To the Assistant Commissioner of Operations, Director of Classification Programs, employees and inmates of TDOC and privately managed facilities.

Add the following to Section IV. and appropriately alphabetize subsequent definitions:

“ A Commissioner’s Designee (CD): TDOC employee(s) authorized by the commissioner to serve as the approving authority for specific actions occurring at privately managed facilities. In the absence of the CD, the contract monitor assigned to that facility will serve that function. In the absence of both TDOC staff, the necessary notification/request for authorization will be made by telephone to the CD. If the CD is not reachable via phone, the contract monitor will be contacted. If both the CD and contract monitor are unavailable by telephone, the ranking shift officer at TCIP shall be contacted for required authorizations/notifications.”

Delete Section (I) in its entirety and appropriately alphabetize subsequent sections.



Change the new Section VI. (J)(3)(g) to read:

“g. Upon completion of the classification process at the reception center, technical violator participants shall be assigned to minimum direct custody; override C3DEC shall be used, where applicable, in accordance with TDOC Policy #401.06. (Privately managed facilities shall use TDOC Policy #9401.06 until it is incorporated into TDOC Policy #401.06.) Inmates assigned to administrative segregation are ineligible for consideration.”

In the newly re-lettered Section (L) after the words “MTCX, Annex” delete the words “a designated pre-release facility”.

Add the following new subsection to VI:

“ M. At privately managed facilities, the CD shall be the final approving authority in all classification actions which involve custody increase, custody decrease, institutional transfer, or override. (See TDOC Policy #9401.08, until incorporated into TDOC Policy 401.08.)”

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	Effective Date: June 15, 2003	
	Distribution: B	
	Supersedes: N/A	
<p>Approved by: </p>		
Subject: MINIMUM CUSTODY PLACEMENT		

POLICY CHANGE NOTICE 03-12

INSTRUCTIONS:

Please delete Section VI. (H)(7) and renumber subsequent sections.